

REMARKS

This Amendment is filed concurrently with a Request for Continued Examination on an Application under Appeal. Entry and reconsideration of this Amendment are respectfully requested in view of the amendments listed above and the following arguments. In this response, Applicants have amended independent claims 1, 9, 16 and 24. Upon entry of the amendments, claims 1-2, 4-6, 9, 11-13, 16-17, 19-21, 24, 26-28 and 31-42 will be pending, of which claims 1, 9, 16 and 24 are independent claims.

In the Final Office Action, the independent claims stand rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 5,737,701. Further, certain of the claims stand rejected under 35 U.S.C. 103 as being unpatentable over Rosenthal in view of U.S. Patent No. 5,200,995 to Gaukel et al. ("Gaukel"), U.S. Patent No. 6,330,311 to Mijares, Jr. et al. ("Mijares"), U.S. Patent No. 5,467,388 to Redd, Jr. et al. ("Redd") and/or U.S. Patent No. 5,420,910 to Rudokas et al. ("Rudokas").

Applicants have amended claims 1, 9, 16 and 24 in the interest of furthering prosecution of the Application. Nevertheless, Applicants incorporate and restate previous arguments presented in response to prior Office Actions and expressly reserve the right to present claims including the rejected subject matter in one or more future continuation applications.

Amended Independent Claims 1, 9, 16 and 24 Patentably Define Over Rosenthal

Independent claims 1, 9, 16 and 24 have been amended to require, in various forms a list of resources that can be accessed regardless of user (or subscriber) identity. Thus, for example, independent claims 1 and 16 require, *inter alia*, providing access to a resource regardless of subscriber identity if the resource is included in a system-wide always allow list; providing access to the resource if the resource is included in a list associated with the subscriber; requiring the subscriber to input a personal identification number if the resource is not included in the list associated with the subscriber or in the system-wide always allow list.

Claims 9 and 24 require, *inter alia*, maintaining a second list of resources always allowed access regardless of user identity.

Rosenthal does not teach a system-wide always allow list or providing access regardless of user identification. Rosenthal merely describes waiving an authentication code entry requirement if a caller dials a destination number that matches a look-up table maintained for that caller.

Further, in the Office Action it is proposed that entries having a “P” in the characteristic field anticipate an always allow list as recited in the independent claims of the present Application. *See* Office Action of 2/16/2005 at page 4 and Advisory Action mailed 4/29/2005. The Examiner contends that “when an entry is marked with a “P” it is on the allowed list permanently and therefore it is always allowed.” The Examiner then suggests that the list taught in Rosenthal has two sub-lists which correspond to the subscriber list and the always allow list. Applicants respectfully disagree.

The proposition that Rosenthal’s “P” designation anticipates an always allow list requires a misinterpretation of the term “always allow” by assigning “always” a temporal context that is not supported by the Specification and claims of the present Application. For example, as recited in claims 1 and 16 of the present application, access to a resource is provided if the resource is included in a list associated with the subscriber or in a system-wide always allow list. The term “always allow” is used in conjunction with the system-wide list associated and the word “always” most logically should be interpreted as meaning “invariably.” (*See* Merriam Webster Dictionary). Such definition is supported by the Specification which clearly uses “always” as “regardless of the identity of the subscriber placing the call.” *See* for example Specification at page 7, lines 20-27.

This difference in interpretation between the Examiner and the Specification of the present Application should be resolved to provide a meaning consistent with the Specification. If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant's use of the terms. MPEP 2111.01, *Brookhill-Wilk I*, 334 F. 3d at 1300, 67 USPQ2d at 1137; see also *Renishaw PLC v. Marposs Societa" per Azioni*, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998) (“Where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.”). Here, the Examiner interprets the word “always” as a temporal limitation and bases the claim rejections on this misinterpretation. However, the

claims, read as a whole and the Specification clearly point away from the improper, temporal meaning of "always" and toward the proper meaning: "invariably". Therefore, it cannot be said that Rosenthal teaches or suggest an always allow list or providing access regardless of user identity, as required by the claims of the present invention.

Therefore, for at least this reason, Applicants submit that the independent claims are allowable as amended.

No Other Cited References Cure The Deficiencies Cited Above

Dependent claims 2, 4-6, 11-13, 17, 19-21, 26-28 and 31-42 depend ultimately from amended independent claims 1, 6, 16 and 24 and thus are patentable for at least the reasons presented above. The deficiencies noted above are not cured by any combination of Rosenthal with Gaukel, Mijares, Redd and Rudokas. Accordingly, the rejections of these claims should be withdrawn.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

  
\_\_\_\_\_  
Anthony G. Smyth  
Reg. No. 55,636  
Tel. No. 650 233.4802  
Fax No. 650 233.4545

Date: August 16, 2005  
2475 Hanover Street  
Palo Alto, CA 94304-1114  
(650) 233-4500